

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JENNIFER LYNN LUEKEN, on behalf of Richard D.
“Rick” Lueken,

Plaintiff,

v.

BARNES-JEWISH HOSPITAL and JASON RICH, M.D.,

Defendants.

Case No. 20-cv-1346-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on its February 10, 2021, order for plaintiff Jennifer Lynn Lueken to show cause why the Court should not dismiss this case for lack of subject matter jurisdiction (Doc. 11). In that order and in an earlier order (Doc. 8), the Court noted that Lueken had not sufficiently pled a basis for federal subject matter jurisdiction. She did not state a claim involving a federal question, *see* 28 U.S.C. § 1331, and she did not plead the parties’ citizenships to establish diversity jurisdiction, 28 U.S.C. § 1332(a). Suspecting she might be able to adequately plead a cause of action for medical malpractice under the Court’s diversity jurisdiction, it advised her of the need to plead the citizenship of all parties and allowed her until February 26, 2021, to file an amended complaint that adequately pled federal subject matter jurisdiction. It further warned her that if she failed to file an amended complaint that adequately pled federal subject matter jurisdiction, the Court would deny her motion for leave to proceed *in forma pauperis* (Doc. 4) and would dismiss her case for lack of jurisdiction. Lueken did not respond to the show cause order.

Accordingly, as it warned it would do, the Court:

- **DENIES** Lueken’s motion for leave to proceed *in forma pauperis* (Doc. 4);

- **DISMISSES** this case **without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim over which it has subject matter jurisdiction and for which it could therefore grant relief;
- **DIRECTS** the Clerk of Court to enter judgment accordingly; and
- **ORDERS** Lueken to pay to the Clerk of Court within 30 days of entry of this order the full filing fee of \$402.00, which she incurred when she filed her lawsuit.

IT IS SO ORDERED.

DATED: March 15, 2021

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE